

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, January 5, 2011, 9:30 a.m.**

**ACTION ITEMS:**

1. Minutes, December 15, 2010 Worksession.

Action: Approved, (SBB/WSB, 4-0).

2. **CBA-2643, Petition of Audubon Naturalist Society** (charitable and philanthropic institution). Letter from Neil Fitzpatrick responding to questions raised by the Board.

Action: Granted administrative modification request, (DKP/SBB, 4-0).

3. **S-213 and S-214, Petitions of Potomac Electric Power Company** (substation and over-head transmission line). Letter from D. F. Hall, Manager, submitting the petitioner's ten and twenty year plans for electric service.

Action: Re-opened the record to include Mr. Hall's letter with attachments, (SBB/WSB, 4-0).

4. **S-274-C, Petition of Suburban Hospital** (hospital). Letter from Leslie Weber, Senior Vice President, submitting the minutes from the 11/16/2010 Community Liaison Committee meeting.

Action: Re-opened the record to include Ms. Weber's letter and the Community Liaison Committee minutes, (SBB/WSB, 4-0).

5. **S-274-D, Petition of Suburban Hospital** (hospital). Letter from Barbara Sears, Esquire, requesting that technical corrections be made to the Board's Opinion dated 12/9/2010.

Action: The case has been appealed to the Circuit Court, BOA no longer has jurisdiction, consensus.

6. Returning Item. **S-992, Petition of Dalila Estrada** (accessory apartment). Title information from Maria Orellana as requested by the Board.

Action: Granted the transfer of the special exception, (DKP/CGT, 4-0).

7. **S-2065, Petition of Kimberly J. Striker** (accessory apartment). Letter to the Board from Christina M. Hartman and Matthew J. Lange Geise requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WSB/SBB, 4-0).

8. **S-2776, Petition of Deepak Marwah** (accessory apartment). Letter from the petitioner withdrawing the special exception and requesting a refund of the filing fee.

Action: (1) Dismissed the special exception as withdrawn; (2) granted 100% refund of the sign deposit (\$220.) and the filing fee (\$275.), (DKP/SBB, 4-0).

9. **S-2783, Petition of American Caregivers, Inc. by Mary Emah** (major home occupation). Letter to the Board from Mary Emah withdrawing the special exception.

Action: Item deferred for additional information, consensus.

#### **DECISION ITEM:**

10. **S-2774, Euro Motorcars, Inc.** (indoor/outdoor automobile sales). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DKP/SBB, 4-0).

#### **PENDING ITEMS:**

11. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
12. **S-179, David H. Shin** (coffee shop). Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].

**PENDING ITEMS (continued):**

13. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details). Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].
14. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
15. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
16. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Letter to the Board from Marianna Butler, Inspector, DHCA, requesting a Show Cause Hearing. Item deferred for additional information regarding the current the property owner. [W/S 7/21/2010].
17. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].
18. **S-2313, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Christopher Ruhlen, Esquire, requesting an administrative modification. [Large exhibits: special exception plat and elevations/2 sheets]. (1) Granted the administrative modification; (2) the Board will request an inspection report within a year of the issuance of a building permit for the new construction. [W/S 11/17/10].
19. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time. Item deferred for additional information from the petitioner regarding the progress made for the implementation of the special exception. [W/S 9/8/2010].

**Board Members**

Catherine G. Titus, Chair  
David K. Perdue, Vice Chair  
Walter S. Booth  
Carolyn J. Shawaker - ABSENT  
Stanley B. Boyd

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist